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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/839,581

04/20/2001

Fred Allegrezza

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1423

23859 7590 09/11/2006

NEEDLE & ROSENBERG, P.C.  
SUITE 1000  
999 PEACHTREE STREET  
ATLANTA, GA 30309-3915

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/839,581	<b>Applicant(s)</b> ALLEGREZZA, FRED	
	<b>Examiner</b> Christopher M. Lambrecht	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24, 49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 49 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/19/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3–13, 15–24, 49, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,370,605 to Chong, Jr. (Chong).

Regarding claim 1, figures 9 and 10 of Chong illustrate a system [32] comprising a plurality of storage devices [18A,B], a plurality of transfer nodes [34A–C], and a switch [36] arranged between the processors and the storage devices. Col. 14, ll. 8–16. Data is distributed is distributed across the plurality of storage devices, col. 7, ll. 5–14, 54–58; and each transfer node includes a processor [52], fig.4, col. 8, ll. 1–5. Upon receipt of a request for retrieving data, a processor is designated for handling the request. Col. 11, ll.34–38, describing receipt of a read command that identifies transfer node as the commands destination. The switch independently routes a request for retrieving data from the designated processor directly to the storage devices containing the requested

data and independently routes responses from the storage devices directly to the designated processor. Col. 6, ll. 44–48, 58–64, col. 12, l. 47 – col. 12, l. 7.

As to claim 3, Chong discloses the system of claim 1, as discussed above, wherein the switch routes the request for retrieving data based on directory information obtained by the processor, col. 7, ll. 30–44.

As to claim 4, Chong discloses the system of claim 3, as discussed above, wherein the processor obtains the directory information from the storage devices, col. 7, ll. 59–67.

As to claims 5–7, Chong discloses the system of claim 1, as discussed above, further comprising at least one high speed, fiber channel network connected to the storage devices and arranged between the switch and the storage devices, col. 6, ll. 65–67; and wherein the switch accommodates a plurality of high speed networks and connected storage devices, col. 8, ll. 23–28.

As to claim 8, Chong discloses the system of claim 1, as discussed above, wherein the data is video stream data, col. 1, ll. 14–20.

As to claims 9 and 10, Chong discloses the system of claim 1, as discussed above, wherein storage devices are disk drives and the data is stored in a redundant array of inexpensive disks (RAID) format among the disk drives, col. 7, ll. 5–8.

As to claims 11 and 12, Chong discloses the system of claim 1, as discussed above, further comprising a high speed, asynchronous transfer mode (ATM) network

[40A] for delivering the retrieved data from the designated processor to a client device

[12], fig.3A, col. 6, l. 67 – col. 7, l. 4.

Regarding claim 13, Chong discloses the claimed method as discussed above with respect to claim 1.

As to claims 15–24, Chong discloses the method of claim 13, as discussed above, in conjunction with the limitations recited in claims 15–24; these limitations are addressed in the rejections of claims 3–12, above.

Regarding claim 49, see Chong as applied to the system of claim 4, above.

Regarding claim 50, see Chong as applied to the method of claim 16, above.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Chong.

Regarding claims 2 and 14, Chong discloses the system of claim 1 and method of claim 13, as discussed above, but fails to disclose a resource manager for designating a processor to handle a request, based on the load of each processor. Chong does disclose, however, that the processors are coupled in parallel to provide increased bandwidth. Col. 14, ll. 8–16. Official notice is taken that it was well known in the art at the time of Applicant's invention to implement parallel processor arrangements using a resource manager that designates a processor to handle an operation based on the load of each processor. By distributing load evenly among the processors, this implementation prevents inefficiencies that result from overloading and underloading of individual processors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chong to include a resource manager for designating a processor to handle a request, based on the load of each processor, for the benefit of enabling more efficient handling of data retrieval requests.

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 1–24, 49, and 50 have been considered but are moot in view of the new ground(s) of rejection.

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### *Conclusion*

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Art Unit: 2623

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on Mon-Fri, 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M. Lambrecht  
Examiner  
Art Unit 2623

cml



**HAI TRAN**  
**PRIMARY EXAMINER**